

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

**COLLEGE REPUBLICANS OF THE
UNIVERSITY OF WASHINGTON;
CHEVY SWANSON, an Individual,
Plaintiffs.**

vs.

ANA MARI CAUCE, in her official capacity as president of the University of Washington; **GERALD J. BALDASTY**, in his official capacity as provost and executive vice president; **RENE SINGLETON**, individually and in her official capacity as assistant director, Student Activities; **CHRISTINA COOP**, individually and in her official capacity as senior activities advisor, Student Activities; **JOHN N. VINSON**, individually and in his official capacity as Chief of the University of Washington, Seattle, Police Department; **CRAIG WILSON** individually and in his official capacity as University of Washington, Seattle, Police Department Patrol Commander; and **DOES 1-25**; Defendants.

No. 2:18-cv-00189

DECLARATION OF DENZIL J. SUITE

1
2 I, Denzil J. Suite, state as follows:

3 1. I am over the age of eighteen and competent to testify herein.

4
5
6
7
8
9 Life. I have held this position since 2013. I am also an Affiliate Assistant Professor for Education
and hold a Ph.D. in education policy and organization. As part of my current job duties, I oversee
the University of Washington Police Department (UWPD), as well as other departments and
units within the Division of Student Life.

10 3. The Division of Student Life, Office of Special Programs, administers the
11 approval process for the Use of University Facilities (UUF). Student Groups like the College
12 Republicans that want to use campus facilities for events submit an application for the proposed
13 UUF. This process is guided by WAC 478-136 generally, including more specifically WAC 478-
14 136-010, Use of University Facilities-General Policy (a true and correct copy is attached as
15 Exhibit 1), WAC 478-136-060, Safety and Liability (a true and correct copy is attached as
16 Exhibit 2), Executive Order No. 23 (a true and correct copy is attached as Exhibit 3), and the
17 Safety and Security Protocol for Events Sponsored by Student Organizations, Non-Academic
18 University Users, and Non-University Users with Potential to Disrupt Campus Security, Safety
19 and Operation (hereinafter “University Protocol”) (a true and correct copy is attached as Exhibit
20 4).

21
22 4. An 11-member UUF Committee reviews applications to use campus facilities and
23 advises the Chair of the Committee. The Committee is comprised of individuals across several
24 academic and administrative divisions and both student government bodies. As the above
25
26

the campus group or the speaker at the event. The UUF has never denied a request based on the content of the campus group or speaker. When the requested use of a campus facility involves an event, activity, or program that may significantly affect campus safety, security, or operations, the University will perform an analysis of all event factors. This analysis is frequently performed by and in conjunction with UWPD. The purpose of the analysis is to make sure that sufficient resources are available to make the event, activity, or program safe for the campus group, the speaker and other persons on campus. Where that analysis indicates that additional resources are necessary to ensure safety, such as an enhanced UWPD presence, the University Protocol calls for assessing a security fee that reflects the costs incurred by the University to provide such needed additional resources.

5. The University does not require student groups to pay an assessed security fee prior to their registered event. Consistent with this practice, the University will not charge the UW College Republicans any security fee until after the conclusion of the event. The University will permit the Freedom Rally to occur regardless of whether the UW College Republicans pay the fee in advance of Saturday's rally.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Dated this 8 day of February, 2018.


DR. DENZIL J. SUITE

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of February, 2018, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

- Kyle D Netterfield knetterfield@elmlaw.com, cwyer@elmlaw.com
 - William J. Becker, Jr freedomxlaw@gmail.com, Bill@freedomxlaw.com

DATED this 8th day of February, 2018.

PACIFICA LAW GROUP LLP

By /s/ Paul J. Lawrence
Paul J. Lawrence, WSBA # 13557
Jamie L. Lisagor, WSBA # 39946

Attorneys for Defendants

EXHIBIT 1

University of Washington Policy Directory

Washington Administrative Code

Title 478 WAC - University of Washington

Chapter 478-136 WAC: Use of University of Washington Facilities

WAC 478-136-010: Use of university facilities — General policy.

The University of Washington is an educational institution provided and maintained by the people of the state in order to carry out its broad mission of teaching, research and public service. The purpose of this policy is to ensure that all facilities operated by the university are reserved primarily for educational use including, but not limited to, instruction, research, public assembly, student activities and recreational activities related to educational use. Further, each facility may be used for a variety of activities, so long as the primary function the facility was intended to serve is protected. Reasonable time, place and manner restrictions may be placed on the use of university facilities.

[Statutory Authority: RCW 28B.20.130. 10-13-098, § 478-136-010, filed 6/17/10, effective 7/18/10; 97-24-047, § 478-136-010, filed 11/26/97, effective 12/27/97. Statutory Authority: RCW 28B.20.130(1). 82-16-001 (Order 82-2), § 478-136-010, filed 7/22/82, effective 10/1/82; Order 73-2, § 478-136-010, filed 1/10/73.]

EXHIBIT 2

University of Washington Policy Directory

Washington Administrative Code

Title 478 WAC - University of Washington

Chapter 478-136 WAC: Use of University of Washington Facilities

WAC 478-136-060: Safety and liability.

- (1)** It is the responsibility of any person or organization requesting the use of university facilities to comply with all applicable university policies, procedures, rules and regulations, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.
- (2)** Permission to a nonuniversity organization, a registered student organization, or an official student government for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, the sale of alcohol, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least \$1,000,000 per occurrence must be provided to the university's office of compliance and risk services before approval for the requested use will be granted.

[Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 8, § 2. WSR 17-14-035, § 478-136-060, filed 6/26/17, effective 7/27/17. Statutory Authority: RCW 28B.20.130. 10-13-098, § 478-136-060, filed 6/17/10, effective 7/18/10; 03-24-045, § 478-136-060, filed 11/26/03, effective 12/27/03; 97-24-047, § 478-136-060, filed 11/26/97, effective 12/27/97. Statutory Authority: RCW 28B.20.130(1). 82-16-001 (Order 82-2), § 478-136-060, filed 7/22/82, effective 10/1/82.]

EXHIBIT 3

University of Washington Policy Directory

Presidential Orders

Executive Order

No. 23

Non-University Speakers Sponsored by Student Organizations

- 1.** As an institution of higher learning devoted to the search for truth in a democratic society the University of Washington is dedicated to the maintenance and expression of a spirit of free inquiry. For its students, accordingly, it promotes the development of an atmosphere of open exchange and of conditions conducive to critical evaluation of divergent points of view.
- 2.** The University also recognizes and accepts a responsibility to insure that such inquiry is conducted in a manner which furthers the educational objectives of the institution, namely, the open minded, objective evaluation and dissemination of knowledge.
- 3.** Student organizations officially recognized by the University may therefore invite speakers to the campus to address their own membership and other interested students and staff providing suitable space is available and there is no interference with the regularly scheduled program of the University. The appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by the University. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state Constitution which prohibits religious worship, exercise, or instruction on state property.
- 4.** In order to insure an atmosphere of open exchange and to insure that the educational objectives of the University are not obscured, the President in a case attended by extreme emotional feeling may prescribe conditions for the conduct of the meeting, such as requiring a designated tenured member of the faculty as chair, or requiring permission for comments and questions from the floor. Likewise the President may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.
- 5.**

The President shall prescribe the length of time and form of notice required prior to the holding of all meetings to be addressed by outside speakers and may designate representatives to recommend conditions for the conduct of particular meetings.

- 6.** The Office of Student Affairs has been designated to represent the President in the implementation of this policy, to process forms and to advise on situations where special conditions should be imposed. When a student organization wishes to sponsor the appearance of a non-University speaker or speakers on the University campus, the sponsoring organization must file with the Office of Student Affairs at least three school days (not including the day of the event) prior to the scheduled meeting, a form indicating its intent and providing information regarding the arrangements, including date, time, place, topic to be discussed, the name of the speaker, sufficient biographical data regarding the speaker to identify him or her clearly, the name of the proposed chair or moderator, and other pertinent information.
- 7.** The Office of the President will prescribe, where necessary, special conditions for the conduct of particular meetings.
- 8.** To avoid scheduling conflicts, the ASUW Program Panel will review and approve the dates and times of meetings which are open to persons other than members of the sponsoring organization.
- 9.** Sponsoring organizations are responsible for making room reservations and other arrangements for their meetings and for any expense occasioned by their meetings. Assistance in making room reservations and other arrangements will be given by staff persons in the ASUW Activities Office.

June 1, 1972.

EXHIBIT 4

Safety and Security Protocols for Events Sponsored by Student Organizations, Non-Academic University Users, and Non-University Users with Potential to Disrupt Campus Security, Safety and Operation

The University of Washington allows student organizations, other non-academic University groups, and non-University groups to use campus facilities for sponsored events. Campus rules and policies that govern these events are designed to support and facilitate safe and successful activities in venues owned and operated by the University. (See WAC 478-136-060)

Because the safety, security, and physical well-being of our campus community is of paramount concern to the University, it is the responsibility of any person or organization requesting the use of university facilities to comply with all applicable University policies, procedures, rules and regulations, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations. This protocol will help facilitate such compliance.

When the use of campus facilities involves events, activities, and programs that are likely to significantly affect campus safety, security, and operation, the University will perform an analysis of all event factors. This could result in additional conditions and requirements placed on the host organization in order to maintain the safety and security of all organizing parties, guests attending, and the broader campus community. Safety and security concerns may include, but are not limited to, history or examples of violence, bodily harm, property damage, significant disruption of campus operations, and those actions prohibited by the campus code of conduct and state and federal law.

During the planning process, host organizations or groups are responsible for making the University aware of any known histories and/or issues of safety and security concerns. The University (i.e., venue coordinator and UWPD) may review all event details and logistics to determine necessary safety and security protocols. Additionally, if previously unknown or new safety and security concerns arise during the planning process, the University will review the event details and may alter any conditions and requirements. Any determination by authorized campus officials will be based on an assessment of credible information other than the content or viewpoints anticipated to be expressed during the event. Other events taking place on or near campus will be taken into consideration in the security review. Required security measures may include, but are not limited to, adjusting the venue, date, and timing of the event; providing additional law enforcement; imposing access controls or security checkpoints limiting costumes or items carried; and/or creating buffer zones around the venue.

The host organization or group will be required to pay costs of reasonable event security as determined in advance by the University. These costs include, but are not limited to security personnel, costs to secure the venue from damage, and special equipment as determined by law enforcement. Security fees will be based on standard and approved recharge rates for UWPD, other security personnel, and associated equipment costs or rentals. Should the University place supplementary security protocols prior to or during the event to provide adequate security to help mitigate any originally unforeseen security concerns, additional security fees may be charged to host organizations or groups. Host organizations are financially responsible for damage, inside or outside of the venue, caused by members of their organization or their invitees.

The University reserves the right, in rare circumstances, to cancel an event if based on information available it is reasonably believed that there is a credible threat which unreasonably places the campus community at risk of harm.

Established 9/25/17

Policies

Safety and Security Protocols for Events

CONTACT OSP

206-543-9233

sprogram@uw.edu

Box 352230

FORMS

ALCOHOL SERVICE REQUEST FORM

UUF REQUEST FORM